

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bryce A. Jones et al)	Group Art Unit: 3694
)	
Serial No.: 09/997,946)	Confirmation No.: 5804
)	
Filed: 11/30/2001)	Examiner: S. Merchant
)	
For: Method and System for Providing)	Attorney Docket: 1632(17239)
Prepaid Data Service)	

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in reply to the Examiner's Answer mailed April 8, 2008. Several new arguments presented in the Answer are addressed below.

Regarding the rejection of claim 1 based on Lesley, the Answer argues on page 19 (and again on pages 21, 23, and 24) that "Appellant has not specifically defined data service, data network or communications network in the original disclosure." It is submitted that each of the terms is clear and definite since they are used with their ordinary meaning, e.g., a communications network being a network that provides an end-to-end connection between two parties (i.e., so that they can communicate), a data service being a service that supplies information (so that it can be communicated), and a data network being the network that provides the data service. The statement that the

“Examiner interprets data service to be a phone call” demonstrates that the rejection is contrary to the clear meaning of claim 1.

The Answer further argues on page 19 (and again on pages 22, 23, and 24) that “Appellant also cites that both networks are distinct, however does not provide any insight as to how they are distinct.” Applicant respectfully disagrees with this statement. As recited in claim 1, and as previously pointed out on page 7 of the Brief, the communications network and the data network are coupled by a gateway. Because the networks are distinct, they require a gateway to enable them to interact. The Answer argues on page 20 that the Service Switching Point of Lesley is a gateway connecting a communication network to a local exchange. In reality, the local exchange is part of the communication network. Traffic within a communication network must obviously be switched in order to reach its intended destination within the network. It is erroneous to suggest that a switch is equivalent to a gateway and that elements on opposite sides of a switch are foreign or distinct networks. Switching is an integral function of every individual network. Likewise, the host computer and local exchange carrier of Taskett relied on by the Answer to allegedly show a gateway are merely elements for directing phone calls within a communications network.

Regarding the rejection of claim 13, the Answer argues on page 23 that claim 13 does not recite a self-service portal. Claim 13 specifically recites redirecting traffic to the web server if the balance of the prepaid account meets the threshold, and that the web server comprises a processor, a memory, and computer instructions stored in the memory and executable by the processor for adding value to the balance of the prepaid account in response to the balance of the prepaid account meeting the threshold. The result of these limitations is a self-service portal, which was just used as a shorthand way of explaining that the references fail to teach or suggest redirecting traffic to the web server if the

balance of the prepaid account meets the threshold, and that the web server comprises a processor, a memory, and computer instructions stored in the memory and executable by the processor for adding value to the balance of the prepaid account in response to the balance of the prepaid account meeting the threshold.

CONCLUSION

The final rejection has failed to establish anticipation or a case of prima facie obviousness with respect to any of the pending claims. The prior art relied upon in the final rejection neither teaches nor suggests the structure or function of the present invention nor does it provide any teaching which can obtain the significant advantages which are achieved by the present invention. Accordingly, the rejection contained in the final rejection mailed July 17, 2007, should be reversed.

Respectfully submitted,

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